

AMENDMENT UNDER 37 C.F.R. § 1.111
Appln. No. 09/781,002

PATENT APPLICATION

REMARKS

Reconsideration and further examination of this application is hereby requested. Claims 1-22 are currently pending in the application.

A. CLAIM OBJECTIONS

Claims 2, 3, 7, and 13 have been objected to as containing various informalities of language. Applicant appreciates the Examiner's careful critique of the claims. Claims 2, 3, 7, and 13 have been amended to correct these minor informalities. Additionally, claims 11, 12, 16, 18-20, and 22 have been amended to correct other minor informalities. All amendments to the claims have been amended only for the purpose of correcting typographical errors, and not for the purpose of avoiding any prior art.

Applicant respectfully submits that the objections to the claims have been overcome by amendment.

B. OBVIOUSNESS REJECTION

Claims 1-22 have been rejected under 35 U.S.C. § 103(a) as being obvious over *Gous* (US 6763241) in view of *Snelling* (US 6418131) and *Saints* (US 6097972). This rejection is respectfully traversed based on the following arguments.

B.1. COMBINATION IS NONOBVIOUS

The primary evidence used in constructing this obviousness

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rejection is the *Gous* reference. *Gous* discloses a wireless mobile telephone network that uses GPS timing signals as an integral part of its signaling system. As the Examiner acknowledges, the *Gous* reference does not disclose all of the claimed aspects of the present invention. To make up for what he does not find in *Gous*, the examiner turns initially to the teachings in the *Snelling* reference.

Snelling is very different from *Gous* (and the present invention) in that it is a cordless telephone and data network that interfaces with the public switched telephone network (PSTN) via a wall jack in a residence. The Examiner contends that it would have been obvious to combine *Gous* and *Snelling* in such a way that a mobile telephone from *Gous* could wirelessly interface with a cordless phone of *Snelling* via a connection to the Network Control Unit (NCU) of *Snelling* (i.e., a cordless base station). See the Office Action at the paragraph bridging pages 4 and 5, at the paragraph bridging pages 10 and 11, and at page 16, lines 7-19.

If ever a person using a cell phone wants to make a call to a cordless home phone (or vice versa), they need do nothing more than dial the number of the desired party and the call is automatically connected via the PSTN using very robust, decades-old technology. It is absurd to contend that it would have been

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obvious to make this connection through an unnecessary wireless link that would require extensive engineering effort to pull off.

There is absolutely no problem in existence that would be solved by arranging for a cell phone and a cordless phone network to be able to wirelessly connect to one another directly. None. To say that it would have been obvious to make such a modification is nonsense. The additional consideration of the cited *Saints* reference along with *Snelling* and *Gous* does nothing to mitigate the nonsense.

As to the motivations cited by the Examiner for making the modification, the advantages cited would all have accrued to the world by simply implementing the teachings of *Snelling* without making any modification to the *Gous* system. These two inventions would have worked perfectly well together under the then-current telephony system without need for the hybridizing modifications urged by the Examiner.

An additional aspect of the *Snelling/Gous* combination urged by the Examiner is that the GPS timing signals would be provided to the NCU of the *Snelling* cordless network via the PSTN. See the Office Action at page 7, lines 3-7, at page 13, lines 8-12, and at page 18, lines 16-20. Although it is conceivable that such an arrangement is possible, but there is not teaching provided in the record as to how a person of ordinary skill in

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the art would go about implementing such a radical, new innovation. And, in any case, it would be a lot of trouble to go to in order to synchronize two radiotelephone systems with one another when the calls could be placed between them simply by dialing and connecting through the PSTN. Accordingly, such a modification of the prior art would appear to have been far from obvious.

For the above reasons, Applicant respectfully submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to claims 1-22.

B.2. SEPARATE PATENTABILITY OF CLAIMS 9, 11, and 19

Concerning claim 9, the Examiner contends that "[w]ell-established teaching in art teaches a timing generator." See Office Action at page 22, line 8. Concerning claim 11, the Examiner contends that

Well established teaching in art also discloses compensating for a local CDMA pilot transmission signal pattern drift detected at the signal tester by adjusting a timing generator of the signal tester to modify the signal tester internal clock.

Id. at page 13, lines 12-14. Concerning claim 19, the Examiner contends that

Well established teaching in art also discloses compensating for a local CDMA pilot transmission signal pattern drift detected at the signal tester by adjusting a timing generator of the signal tester to modify the signal tester internal clock.

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Id. at page 24, lines 1-3.

Applicant respectfully asks that the Examiner provide prior art evidence to support these contentions so that the relevance of the prior art evidence may be evaluated. In the absence of such evidence in the prior art, Applicant respectfully submits that the case for obviousness is not sufficiently documented and would not amount to a *prima facie* case.

For the above reasons, Applicant respectfully submits that claims 9, 11, and 19 further define over the prior art.

C. CLOSING

In view of the above remarks, Applicant respectfully submits that independent claims 1, 11, 12, and 22 are patentable over the prior art of record. Applicant further submits that dependent claims 2-10 and 13-21 are patentable, at least as being dependent from patentable independent claims, and are further patentable due to the additional limitations recited therein.

For the above reasons, Applicant respectfully submits that the application is in condition for allowance with claims 1-22. If there remain any issues that may be disposed of via a telephonic interview, the Examiner is kindly invited to contact the undersigned at the local exchange given below.

The Director of the U.S. Patent & Trademark Office is authorized to charge any necessary fees, and conversely, deposit

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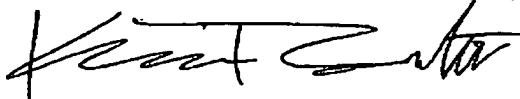
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any credit balance, to Deposit Account No. 18-1579.

Respectfully submitted,

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